



Department of Planning, Building and Code Enforcement  
801 North First Street, Room 400  
San José, California 95110-1795

Hearing Date/Agenda Number:  
P.C. July 26, 2004      Item:

File Number:  
GP04-06-01

Council District and SNI Area:  
6 – N/A

Major Thoroughfares Map Number:  
98

Assessor's Parcel Number(s):  
429-45-036, 037

Project Manager: David Tymn

## GENERAL PLAN REPORT

### 2004 Summer Hearing

#### PROJECT DESCRIPTION:

General Plan amendment request to change the Land Use/Transportation Diagram designation from Very Low Density Residential (2 DU/AC) to Low Density Residential (5 DU/AC) on 1.16 acres.

**LOCATION:** West side of Peregrino Way, approximately 400 feet northwest of Dry Creek Road (1726 Peregrino Way)

**ACREAGE:** 1.16

#### APPLICANT/OWNER:

James Rogers/West Valley Financial Group

#### GENERAL PLAN LAND USE / TRANSPORTATION DIAGRAM DESIGNATION:

Existing Designation: Very Low Density Residential (2 DU/AC)

Proposed Designation: Low Density Residential (5 DU/AC)

**EXISTING ZONING DISTRICT(S):** R-1-2 Residence (single-family)

#### SURROUNDING LAND USES AND GENERAL PLAN DESIGNATION(S):

North: Single-Family Residential – Low Density Residential (5 DU/AC)

South: Single-Family Residential – Very Low Density Residential (2 DU/AC)

East: Single-Family Residential – Very Low Density Residential (2 DU/AC)

West: Single-Family Residential – Very Low Density Residential (2 DU/AC)

#### ENVIRONMENTAL REVIEW STATUS:

Mitigated Negative Declaration adopted on May 26, 2004.

#### PLANNING STAFF RECOMMENDATION:

Low Density Residential (5 DU/AC) on 1.16 Acres

Approved by:

Date:

#### PLANNING COMMISSION RECOMMENDATION:

#### CITY COUNCIL ACTION:

---

**CITY DEPARTMENT AND PUBLIC AGENCY COMMENTS RECEIVED:**

- Department of Transportation – The proposed land use change would not result in a long-term traffic impact.
- The Department of Public Works – There are no significant Public Works issues regarding the proposed amendment.
- Pacific Gas and Electric – PG&E indicated that they have no comments regarding the proposed amendment.
- Valley Transportation Agency – VTA indicated that they have no comments on the proposed amendment.

---

**GENERAL CORRESPONDENCE:**

- Letter from Genevieve Rolla – The letter dated April 7, 2004 indicates objection to the proposal stating that it would change the character of the neighborhood and increase traffic.
- Letter from Mr. and Mrs. Ronald Cane – The letter dated May 11, 2004, indicates objection to the proposed density increase citing reasons such as topography, character and lack of consistency with the neighborhood.
- Letter from Gary and Sue Giannini – The letter dated June 3, 2004, indicates dissatisfaction with the applicant-sponsored community meeting held on June 2, 2004, and requests an additional meeting in a more suitable location.
- Letter from Vincent and Beverly Domenech – The letter dated June 3, 2004, indicates objection to the proposed density increase because it is not consistent with the existing Willow Glen densities and will increase traffic.
- Letter from Anna Ayala – The letter dated June 3, 2004, indicates that the community meeting held by the applicant was not adequate and that another should be scheduled.
- Letter from Joe Zuccaro – The letter dated June 10, 2004, indicates a strong objection to the proposed land use designation change.
- Memo from the Director of Planning to the Planning Commission – The memo dated June 9, 2004, recommends deferral of the item from June 9 to July 26, 2004 to allow for adequate community meetings.

---

**ANALYSIS AND RECOMMENDATIONS:**

**PROJECT DESCRIPTION**

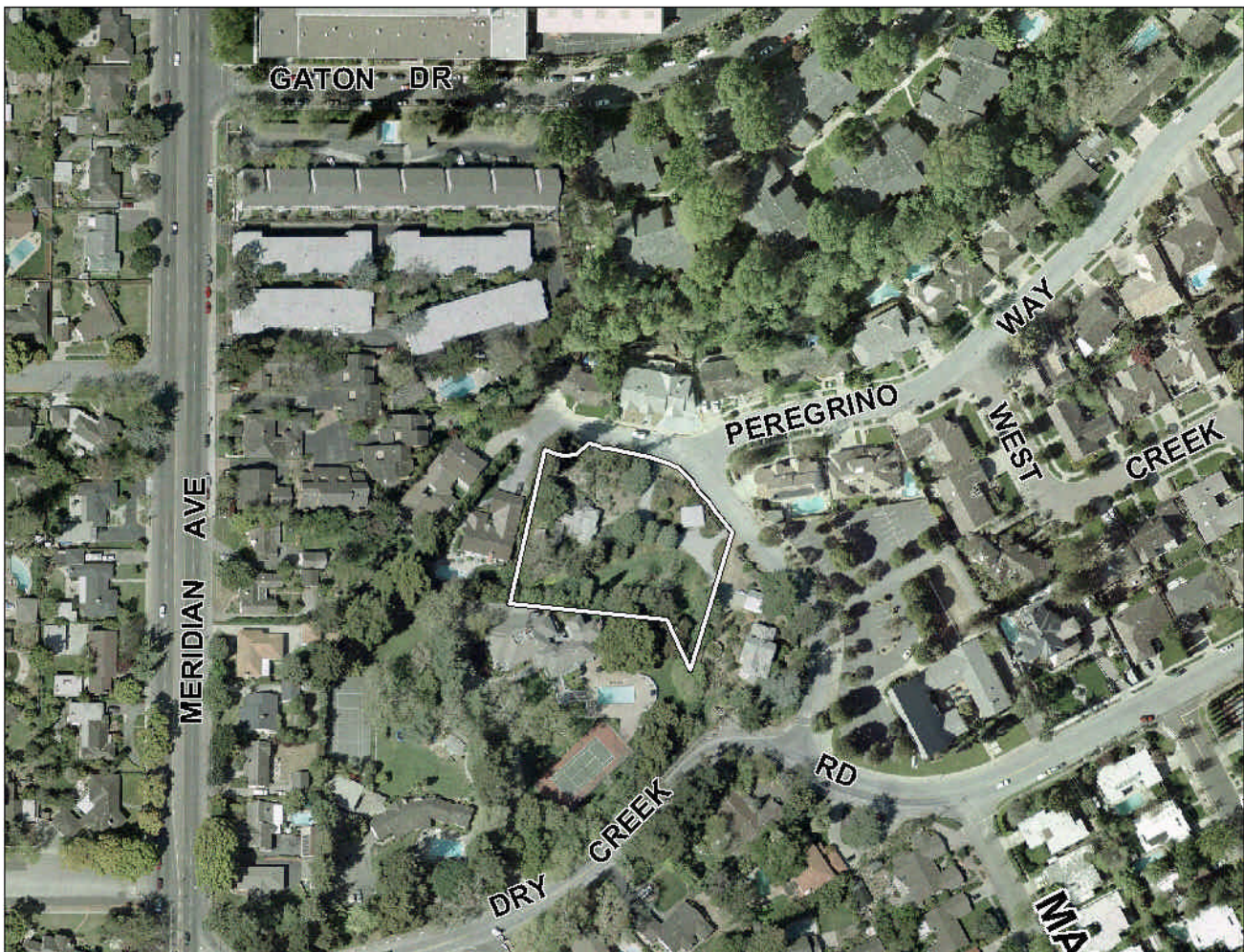
This is a privately initiated General Plan amendment to change the *San Jose 2020 General Plan* Land Use/Transportation Diagram designation from Very Low Density Residential (2 DU/AC) to Low Density Residential (5 DU/AC) on a 1.16-acre site located on the west side of Peregrino Way, approximately 400 feet northwest of Dry Creek Road (1726 Peregrino Way).

The existing General Plan designation, Very Low Density Residential (2 DU/AC), is typified by single-family homes on parcels of 20,000 square feet or more. The proposed Low Density Residential (5 DU/AC) Land Use/Transportation Diagram Designation is the next higher residential density range and is typified by lots of 8,000 square feet or more. Approval of this amendment could potentially allow a maximum of approximately five units at this site versus approximately two units allowed under the

existing Very Low Density Residential (2 DU/AC) designation. These density figures are based on gross acreage of 1.16 acres. General Plan density calculations are based on a net acreage calculation (after subtracting the area required for public street improvements such as sidewalks and parkstrips), but until a specific development project is filed, the actual net density related to that project cannot be calculated.

## **BACKGROUND**

If the General Plan amendment is approved, the applicant has suggested that rezoning and subdivision applications might be filed to request a four-lot subdivision for four new single-family homes at this location, and that the existing single-family home and detached garage might be proposed for demolition in conjunction with the new development on the site. Further discussion of a potential future development of the site is included in the Land Use Compatibility section of this report.



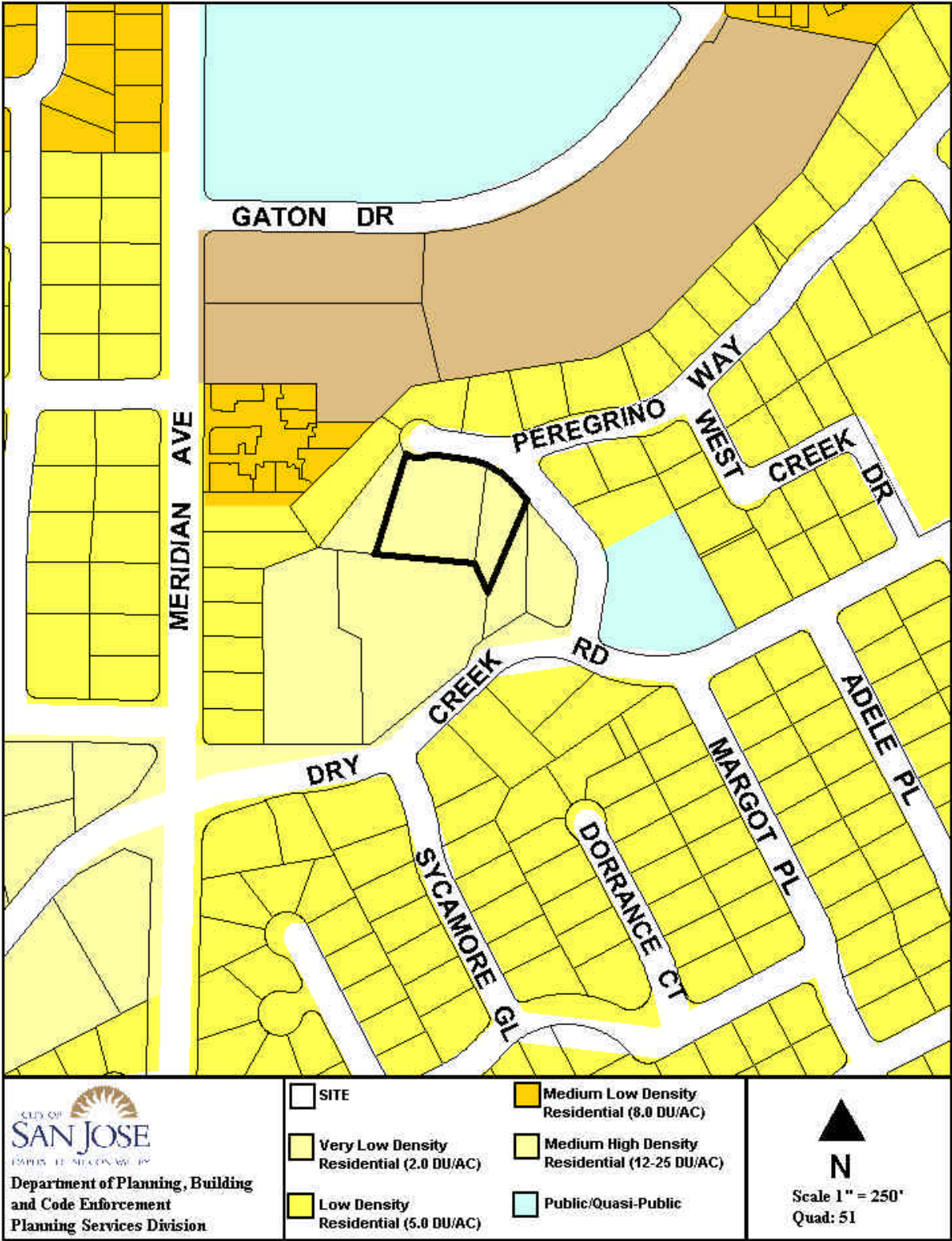
---

### **Site and Surrounding Uses**

The 1.16-acre site is comprised of two existing parcels. Existing uses on one parcel include one single-family home constructed in approximately 1935 and a two-car detached garage. The other parcel is vacant. The house appears to be unoccupied and generally not maintained. As discussed in the Analysis section of this staff report, neither of the existing structures has historic significance.



GP04-06-01



The site is surrounded by existing single-family homes consisting of single-story and two story homes. Parcels surrounding the site range in size from 8,000 to 20,000 square feet and larger.

## **ANALYSIS**

### **Policy Consistency**

The applicant's General Plan Amendment proposal is consistent with several of the General Plan's Major Strategies, including Growth Management, Housing and Sustainable City. These strategies support the increase of residential densities in appropriate locations, the provision of a variety of housing types for various economic segments of the community, and the efficient use of existing infrastructure in infill, urbanized areas where urban facilities and services are already available. In addition, the proposed General Plan amendment provides an opportunity to increase the housing supply in San Jose through a modest increase in density.

### **Land Use Compatibility**

General Plan Residential Land Use Policy No. 9 states that when changes in residential densities are proposed, the City should consider such factors as neighborhood character and identity, compatibility of land uses and impacts on livability. A key issue with the proposed amendment is the compatibility of a slightly higher residential density on the subject site with the surrounding neighborhood. The surrounding neighborhood consists of a mix of the Low Density Residential (5 DU/AC) and Very Low Density Residential (2 DU/AC) General Plan designations (see the map of General Plan designations). The areas immediately adjacent to the east, west and south of the site are designated Very Low Density Residential (2 DU/AC). Directly across Peregrino Way to the north is an area of Low Density Residential (5DU/AC), which is reflective of the neighborhoods in the larger Dry Creek Road area.

If this amendment is approved, staff would consider supporting a General Plan amendment for the 0.34-acre parcel immediately adjacent to the west (1728 Peregrino Way) to re-designate the site from Very Low Density Residential (2 DU/AC) to Low Density Residential (5 DU/AC), so that the parcel would be more compatible with the designations surrounding it (see map of General Plan designations). The Low Density Residential (5 DU/AC) designation specifies a maximum density of five dwelling units per acre: a development that is between 2 DU/AC and 5 DU/AC would be consistent with this land use designation.

In addition to the Council's action on this General Plan amendment, the future rezoning of the property would be analyzed by Planning staff and subject to additional community meetings and public hearings before consideration by the Council. This review would address the project's compliance with the General Plan, the Zoning Code, Residential Design Guidelines and other City policies. "Infill" development on parcels within an existing neighborhood, such as this site, raises many design questions. The documents mentioned above contain policies, codes, and guidelines to ensure compatible development on a site in the context of its surroundings.

In addition to the rezoning application, a parcel map proposing a specific lotting pattern for future development of the site would be required. Preliminarily, the applicant has suggested subdividing the existing two lots into four lots averaging approximately 12,500 square feet in size. If such a proposal were to come forward, then, based on the configuration of the subject site, staff's preliminary observation is that creation of four lots would result in lot street frontage widths along Peregrino Way of approximately

75 feet and that amount of street frontage would be much narrower than the street frontages of existing lots in the surrounding neighborhood, which tend to be relatively wide but shallow lots (generally 100 feet wide by around 100 to 120 feet deep). The subject property is also deeper in length than the typical lot in the surrounding area and, therefore, subdivision into four lots would create narrower, deeper lots than currently exist in this area. Four lots would each be approximately 75 feet in width and 170 feet deep. The dimensions of four lots would exceed the "width to depth ratio" (relationship between the width and depth of the proposed lots) specified in the City's Subdivision Ordinance (Title 19 of the Municipal Code). This provision requires the depth of a lot to be no greater than 2.5 times its width. Parcel maps with lots exceeding this requirement may be approved by the granting of a "waiver" issued by the Director of Planning, Building and Code Enforcement if. However, Planning staff's preliminary observation would be that four lots of 75 feet in width would result in houses and front yards that are not consistent with those in the immediate surrounding area. Three lots of approximately 100 feet in width would more accurately reflect the size and lotting pattern reflected on adjacent lots. Therefore, if a parcel map application is submitted for future development, Planning staff would like to preliminarily note that it does not appear that staff could support a waiver for four or five lots on this site due to its inconsistency with existing neighborhood development but staff believes it could be possible to support a three-lot subdivision of the property if the proposal otherwise meets the other applicable laws, regulations and policies of the City.

### **Environmental Issues**

The proposed change in the General Plan Land Use/ Transportation Diagram Designation on the subject site was analyzed in an initial study that resulted in a Mitigated Negative Declaration. A traffic analysis was conducted and it determined that there is no potential impact to the regional transportation system in the long term as a result of the proposed amendment. Archaeological Resource Management conducted a historic evaluation of the structures on the site in April 2004. According to the evaluation, none of the structures on the site are potentially eligible for listing on the National Register of Historic Places, the California Register of Historic Places, or the San Jose Historical Resource Inventory. If the General Plan amendment, and a subsequent rezoning and subdivision were to be approved, then at the time that redevelopment of the site were to occur, it is quite likely that ordinance sized trees would be proposed for removal with a tree removal permit application.

### **PUBLIC OUTREACH**

This item was originally scheduled for Planning Commission hearing on April 26<sup>th</sup>. At the time that the Planning staff-led community meetings were held on March 25 and 29, 2004, the proposed project was expected to be deferred from the April 26, 2004 Planning Commission hearing to the Summer General Plan hearings.

On June 2, 2004 the applicant held a community meeting at Aqui Restaurant on Lincoln Avenue. The applicant spoke on the General Plan amendment request and explained his intent to develop the site with single-family detached homes. Approximately twenty neighbors attended the meeting.

The June 2 meeting did not offer an adequate opportunity for dialogue with the community regarding the proposed amendment. In order to allow adequate time for community input, this item was deferred to the Summer General Plan hearing. The Planning Commission hearing on this item was then scheduled for July 26, 2004, and the City Council hearing scheduled for September 7, 2004. This deferral allowed the proposed General Plan amendment to be included in the summer cycle of General Plan community

meetings that are arranged and conducted by staff. The proposed amendment was presented by Planning staff at General Plan community meetings held on June 24 and June 30, 2004, at City Hall.

The property owners and occupants within a 1,000-foot radius were sent a newsletter regarding the two community meetings that were held on June 24 and 30, 2004, for the Summer General Plan amendments. They also received a notice of the Mitigated Negative Declaration and a notice of the public hearings to be held on the subject amendment previously scheduled before the Planning Commission on July 26 and City Council on September 7, 2004. In addition, the Department's web site contains information regarding the General Plan process, amendments, staff reports, and hearing schedule. This site is available to any member of the public and contains the most current information regarding the status of the amendments.

Staff received no input from the community at either of the General Plan community meetings held by staff. Letters from concerned residents had already been submitted to staff prior to these community meetings. Staff has received several letters and communications by residents in the neighborhood, expressing concerns and opposition to the proposed amendment due to lack of compatibility with the surrounding neighborhood and increased traffic. Staff believes that the amendment analysis presented in this staff report responds to the concerns discussed in the letters and e-mails. In various telephone conversations, approximately five community members expressed concern regarding increased density in the neighborhood. Staff explained that the potential resulting lot sizes would be of similar size to the lots across the street and could facilitate development of this underutilized site. Some residents expressed a concern that the subject site is unkempt and, after talking with staff, thought that development would help change this situation.

## **RECOMMENDATION**

Based on the above discussion, it is staff's conclusion that the proposed Low Density Residential (5 DU/AC) Land Use/Transportation Diagram designation is compatible with the surrounding residential neighborhood. Planning staff recommends approval of the proposed change to the General Plan Land Use designation from Very Low Density (2 DU/AC) to Medium Low Density Residential (5 DU/AC) on the subject 1.16-acre site.